

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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CINDY GAMRAT,

Case No. 1:16-cv-1094

Plaintiff,

Hon. Phillip J. Green

v.

JOSHUA CLINE, JOSEPH GAMRAT,  
and DAVID HERR,

Defendants.

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**Brief in Support of Plaintiff's Motion to Extend Deadline to File Motion to Amend Pleadings**

On May 14, 2018, this Court entered a Case Management Order in this case. Pursuant to the Case Management Order, the parties were allowed to file motions to join parties and amend the pleadings on or before June 15, 2018. Prior to June 15, 2018, Gamrat was made aware of a multitude of documents that would support her allegations and form the foundation for an amended complaint. Gamrat's counsel was under the impression that these documents would be made available for his use prior to the deadline. However, Gamrat's counsel received word just

this afternoon that the documents would not be available for use for another couple of weeks. Gamrat, therefore, is unable to file an amended complaint without this evidence.

W.D. Mich. L. R. Civ. P. 16.1 states that “[u]pon good cause shown or on the Court’s own initiative, the Court may modify the case management order in the interest of justice.” In this case, it is important to remember that Gamrat has never had the opportunity to conduct formal discovery. She is finally being allowed the opportunity to begin discovery as it relates to the three Defendants still in the case, but the lion’s share of documents that she has been able to procure to support her case up to this point has had to come via third parties. Gamrat was not made aware of the documents above until after this Court ruled on Defendants’ Motions to Dismiss and while her motion for reconsideration was pending. Further, it is information that would be difficult for Gamrat to obtain via other means, as it involves Defendants no longer in this case. In the interests of justice, Gamrat is requesting 30 days in order to have the option of filing an amended complaint based on this new evidence to which she anticipates having access and the ability to attach to an amended complaint. There was no undue delay in filing this motion, and certainly no dilatory motive in waiting until the afternoon of the deadline to file this motion—Gamrat’s counsel was just made aware this afternoon that the information would not be available to attach to an amended pleading. Defendants would also not suffer any prejudice, as the deadline would be extended for all parties.

For the reasons set forth in this brief, Gamrat respectfully requests that this Court grant her Motion to Extend the Deadline to File a Motion to Amend Pleadings for thirty days.

**Signature Page to Follow**

Respectfully Submitted,

SCHENK, BONCHER & RYPMA

Dated: June 15, 2018

By: /s/ Tyler E. Osburn  
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